

REMARKS

Reconsideration of the application is requested.

Applicants appreciatively acknowledge the Examiner's confirmation of receipt of Applicants' certified copy of the priority document for German Patent Application 101 27 335.5, filed June 6, 2001, supporting the claim for priority under 35 U.S.C. § 119.

Claims 1-6 remain in the application. No claims have been amended, added or canceled.

In "Priority", item 1 on page 2 of the above-identified Office Action, the Examiner acknowledged Applicants' claim for priority based on the German application mentioned above. However, the Examiner stated that a claim for priority cannot be based upon said application because the U.S. application was filed more than twelve months thereafter.

The Examiner's attention is directed to the Declaration filed in the instant application on January 15, 2004 and the updated filing receipt issued July 29, 2004, both of which acknowledge that within twelve months after filing the German application on June 6, 2001, a PCT Application No. PCT/DE02/01965 was filed on May 28, 2002 designating the

U.S., as seen in the PCT Publication cover sheet WO 02/099611 A1, filed in the instant application on December 8, 2003.

The PCT filing extended the period for filing in the U.S. to 30 months, that is until December 6, 2003. The instant application was filed on December 8, 2003, which is within the 30-month period, since December 6 and December 7, 2003 were Saturday and Sunday, respectively. Accordingly, the instant application is indeed entitled to the priority of the German application.

In "Information Disclosure Statement", item 2 on page 2 of the above-identified Office Action, the Examiner has stated that the IDS failed to include a legible copy of each foreign patent, each publication that caused it to be listed and all other information on that portion which caused it to be listed. Therefore, the Examiner has stated, the foreign and publication information has not been considered.

Initially, it is noted that a legible copy of each publication as well as a legible copy of the International Search Report, were included with the IDS. The Examiner is requested to inform undersigned Counsel if any of the items listed are not in the Patent Office file. Counsel's return receipt postcard, a copy of which is enclosed, shows that five references and the International Search Report were

received in the USPTO on December 8, 2003. The sixth item was a U.S. patent which is not required to be submitted.

Next, it is noted that the Examiner did not require English translations or Statements of Relevance for the foreign-language references. Nevertheless, it is also noted that the U.K. patent application and the IBM disclosure are in English and that the German Application DE 196 05 231 A1 was filed with an English Abstract. German Utility Model DE 299 14 768 U1 is equivalent to U.S. Patent No. 6,249,430. A Statement of relevance for German Utility Model DE 92 11 360.5 U1 is as follows:

German Utility Model DE 92 11 360.5 U1 discloses a case for mounting a removable hard disk drive. The mounting case includes a bottom part with guiding rails for guiding a hard disk drive, an adapter providing an electrical connection between the hard disk and the bottom part of the case and a flat front cover, protecting the hard disk drive from dust.

Like the present invention, the German utility model also discloses a mounting configuration for PC components. The German utility model does not, however, disclose a case including a front side clad with a front panel, the front panel formed with a plurality of openings, each one of the plurality of openings for receiving a respective one of PC components attached to a plurality of retaining bars.

A new form PTO-1449 is enclosed for U.S. Patent No. 6,249,430. It is believed that the objection to the IDS has been overcome and that all of the prior art should be considered. If the Examiner does not have any of the prior

art which was filed in her possession, she is requested to telephone undersigned Counsel and another set of copies will be filed. Please charge any fees which are due with regard to the IDS to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

In "Drawings", item 3 on pages 2-3 and in "Claim Rejections - 35 USC § 112", item 5 on page 3 of the Office Action, the Drawings have been objected to and claim 5 has been rejected because the drawings do not show the plurality of counterlatches of claim 5. Accordingly, Fig. 1 has been amended to show counterlatches 17. Page 7 of the Specification of the instant application has also been amended to include reference numeral 17. The counterlatches are believed to be fully disclosed in the instant application and therefore no new matter has been introduced. Since the counterlatches interact with the latch hook 7 of the retaining bars 5 shown in Fig. 2 as described on page 7 of the Specification, the counterlatches can only look the way they do in amended Fig. 1. Page 8 of the Specification has also been amended to include reference numerals already found in Fig. 3.

The objection to the drawings and the rejection of claim 5 are therefore believed to have been overcome.

In "Claim Rejections - 35 USC § 102", item 7 on pages 4-5 of the Office Action, claims 1-3 and 6 have been rejected as being fully anticipated by U.S. Patent No. 5,986,881 to Yang, under 35 U.S.C. § 102(b).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a computer, comprising:

a plurality of PC components, each one of said plurality of PC components attached to a plurality of retaining bars;

a case including a front side clad with a front panel, said front panel formed with a plurality of openings, each one of said plurality of openings for receiving a respective one of said plurality of PC components attached to said plurality of retaining bars; and

a cage for fixing said plurality of PC components.

Thus, the present invention as recited in claim 1 relates to a computer including a plurality of PC components 3. Each one of the plurality of PC components 3 is attached to a

plurality of retaining bars 5. The computer has a case 1 including a front side clad with a front panel 2. The front panel 2 is formed with a plurality of openings 8. Each one of the plurality of openings 8 is for receiving a respective one of the plurality of PC components 3 attached to the plurality of retaining bars 5. The computer also has a cage 4 for fixing the plurality of PC components 3.

The Yang reference discloses a disk driver cage assembly 20 which includes a front rack 24 having openings 248 and notches 246, and a cage 22 having bays 222 with guiding rails 2244. A plurality of different disk drivers 10 have plastic rail strips 102 and are to be inserted in the bays 222 with the rail strips 102 sliding through the notches 246. Thus, the rail strips 102 mount the PC components or disk drivers 10 to the cage 22.

Locking means 26 are movable between a vertical position in which the locking means 26 cover a notch 246 and the disk driver 10 cannot be moved forward out of the bays 222, and a horizontal position in which the locking means 26 uncover a notch 246 and the disk driver 10 can be withdrawn from the bays 222.

However, Yang does not disclose a front panel which is used

to clad the front side of the cage assembly, wherein the front panel has a plurality of openings, each one of the plurality of openings for receiving a respective one of the plurality of PC components attached to the plurality of retaining rails, as recited in claim 1 of the instant application.

As described in column 3, lines 12 to 14 of Yang, "The conductive front rack (24) as shown in FIGS. 1 & 4 is assembled with a front portion (not shown)." The front rack 24 of Yang corresponds to the front side of the invention of the instant application and the front portion of Yang corresponds to the front panel of the invention of the instant application. However, there is no illustration or further description of the front panel in Yang. In particular, Yang does not describe a front panel having a plurality of openings, each one of the plurality of openings for receiving a respective one of said plurality of PC components attached to said plurality of retaining bars, as recited in claim 1 of the instant application.

The Examiner argues that the locking means 26 which is shown, for example, in Fig. 2 of Yang, acts as a "lid" for covering one of the plurality of openings [notches] 246 in the front side 24. However, as described above, the locking means 26

are provided to prevent the rail strips 102 of the disk driver or computer component 10 disposed within the cage 22 from moving frontward (see column 3, lines 51 to 55 of Yang). The locking means 26 are rotatably attached to the front side 24 to allow for manual operation of the locking means 26, (see column 3, lines 31 to 32 of Yang). As can be seen from Fig. 2 of Yang, the operation of the locking means (26) requires that a front panel used to clad the front side 24 of the computer case needs to be removed before the disk driver or computer components 10 can be assembled or disassembled.

In fact, in Yang, the locking means 26 is hidden behind the non-illustrated front panel and the front panel needs to be removed before the locking means can be rotated to allow the disk driver or computer components 10 to be removed. In contrast, the invention as recited in claim 1 of the instant application requires no removal of the front panel because the openings 8 as claimed are in the front panel and the lid 11 of claim 2 is part of the retaining bar 5 which is attached to the PC component 3, so that when the PC component 3 is slid into the opening 8, the lid automatically covers the remainder of the opening 8.

It is an object of the present invention to provide a computer case 1 with a front panel 2 for mounting PC

components 3, in which the disassembly of the front panel 2 can be avoided both during the insertion and during the removal of the PC components. This object is achieved according to the invention by a computer as recited in claim 1 which provides the front panel 2 with openings 8 next to the PC components 3 that are being received, so that the PC components 3 with attached retaining bars 5 can be inserted into the computer through the front panel 2.

The cage assembly 20 disclosed in Yang does not meet the object of the present invention because the non-illustrated front panel of Yang must be removed in order to permit the locking means 26 to be rotated into the horizontal position which allows removal of the PC components or disk driver 10.

It is thus seen that not only is the structure of Yang different from that recited in claim 1 of the instant application, but the object of Yang is also different from that of the invention of the instant application.

Claim 1 is therefore clearly not anticipated by Yang.

Clearly, Yang does not show "a case including a front side clad with a front panel, said front panel formed with a plurality of openings, each one of said plurality of openings

for receiving a respective one of said plurality of PC components attached to said plurality of retaining bars" as recited in claim 1, nor "said end of each one of said plurality of retaining bars has a lid for covering one of said plurality of openings in said front panel" as recited in claim 2, of the instant application.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well at least because they all are ultimately dependent on claim 1.

Finally, Applicants appreciatively acknowledge the Examiner's statement that claim 4 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." In light of the above, Applicants respectfully believe that rewriting of claim 4 is unnecessary at this time..

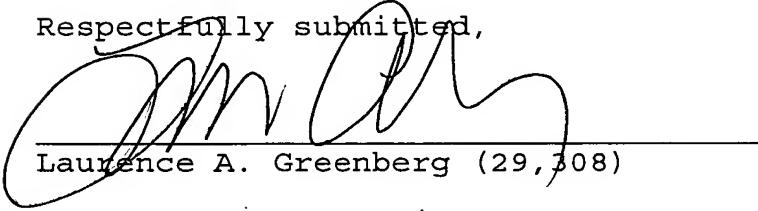
In view of the foregoing, reconsideration and allowance of claims 1-6 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



Laurence A. Greenberg (29,308)

LAG/bb

March 10, 2005

Lerner and Greenberg, P.A.
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: (954) 925-1100
Fax: (954) 925-1101

